

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, MAY 22<sup>ND</sup>, 2007 AT 6:00 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM IN THE COUNTY COURTHOUSE.

THERE WERE PRESENT: Wayne Angell, Chairman  
Charles Wagner, Vice-Chairman  
Leland Mitchell  
David Hurt  
Charles Poindexter  
Russ Johnson  
Hubert Quinn

OTHERS PRESENT: Richard E. Huff, II, County Administrator  
Larry Moore, Asst. County Administrator  
Christopher L. Whitlow, Asst. County Administrator  
B. J. Jefferson, County Attorney  
Sharon K. Tudor, CMC, Clerk

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Chairman Wayne Angell called the meeting to order.

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**PUBLIC COMMENT:**

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Chairman Wayne Angell recessed the meeting for the previously advertised public hearings as follows:

Phil Nester, presented the following petition for Trey Park:

**PETITION of Edward C. Park, III and Lake Watch LLC, as Petitioners and Owners**, have submitted a request for a Special Use Permit on four (4) ± acres, a portion of a 50 acre tract, with possible conditions, for property currently zoned A-1, Agricultural District, for the purpose of establishing a Vegetative Waste Recycle Facility with a tub grinder. The future land use map of the current adopted Comprehensive Plan designates this area of off State Route 122 as Low Density Residential. The property is located on the south side of Route 122, ± 0.3 miles east of Westlake Corner, in the Gills Creek Magisterial District of Franklin County and is identified on Franklin County Real Estate Tax Records as a portion of Tax Map # 30, Parcel # 46, and a portion of Tax Map # 30, Parcel # 39. (Case # U 07-04-01)

No one spoke for or against the proposed petition.

**(RESOLUTION #11-05-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the special use permit with the conditions as listed for uses as provided in this chapter may be issued upon a finding by the Franklin County Board of Supervisors that such use will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare and in accord with the requirements of Section 25-638 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended. Further the proposal encourages economic development activities that provide desirable employment and enlarges the tax base. List of conditions as follows:

**Conditions for Edward C. Park, III and Lake Watch, LLC-Case # U 07-04-01:**

1. The property to be developed shall be in substantial conformance with the Special Use Permit request concept plan for Edward C. Park, III, Vegetative Waste Recycle Facility, dated March 3, 2007, prepared by Philip W. Nester.
2. The days and hours of operation for receiving and sale of materials shall be restricted to Monday through Saturday, between the hours of 6:00 am and 5:00 pm. The days and hours for the processing and grinding of materials shall be Monday through Friday between the hours of 8:00 am and 5:30 pm. All operations will be prohibited on Sunday. The grinding operations shall not exceed eight (8) hours per day with a maximum of eighty (80) hours per month.
3. Lighting shall be limited to the proposed office/storage building.
4. Noise levels (recurrent, intermittent or constant) measured at all property lines shall not exceed 80 decibels.
5. The special use permit shall be limited to a five-year term to begin on the date of final site plan approval by Franklin County.
6. There shall be no acceptance or remediation of contaminated products. Only natural, unprocessed woody debris will be accepted.

7. Signage will be limited to a single sign located at the intersection of Route 122 and the proposed entrance. Signage shall be limited to a monument style sign 32 square feet in sign face area and eight (8) feet in height.
8. Prior to the issuance of any development permits, the applicant shall demonstrate compliance with the Statewide Fire Prevention Code, subject to the review and approval of the County Department of Public Safety.
9. The tub grinder shall be placed down slope on the site below the 940 foot contour.
10. All applicable state permits shall be obtained prior to issuance of any county permits.

MOTION BY: Russ Johnson

SECONDED BY: David Hurt

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Hurt, Poindexter, Johnson, Quinn & Angell

NAYS: Mitchell & Wagner

MOTION PASSED WITH A 5-2 VOTE.

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### PUBLIC NOTICE

The Franklin County Board of Supervisors will hold a public hearing to consider the adoption of the Certified Copy of the Franklin County 2025 Comprehensive Plan and hear public comment. The public hearing will be held at **6:00 p.m., Tuesday, May 22, 2007**, in the Board of Supervisor's Meeting Room, located in the Franklin County Courthouse, East Court Street entrance, Rocky Mount, Virginia. Copies of the Certified Copy of the Franklin County 2025 Comprehensive Plan are available for review in the County Administrator's Office, Planning and Community Development Office, and the Franklin County Public Library. The certified copy is also available for viewing on the County's website at [www.franklincountyva.org](http://www.franklincountyva.org).

Lisa Cooper, Senior Planner, presented the following update on the proposed 2025 Comprehensive Plan as follows:

The Planning Staff and the Planning Commission are here to present to the Board of Supervisors the Certified Copy of the Comprehensive Plan.

As you recall, the Board of Supervisors held a public hearing on February 8<sup>th</sup>. At the public hearing there were some comments and concerns of the Board and citizens concerning the Plan. The Board decided it was best to disapprove the certified copy sending the plan back to the Planning Commission.

The Planning Commission held two work session to discuss and address the comments and concerns, thereby making some changes to the Plan. The Planning Commission held a public hearing on the revised Draft Copy of the Franklin County 2025 Comprehensive Plan on Wednesday, April 4<sup>th</sup>. The Planning Commission voted unanimously to approve the Plan as amended and by resolution forward a certified copy of the Comprehensive Plan to the Board of Supervisors.

On March 23<sup>rd</sup> a copy of the certified of the plan and a matrix was sent to the Board of Supervisor. The matrix shows the amendments made by the Planning Commission based on comments received and contains three parts.

1. Suggestions by the Board of Supervisors for objectives and strategies to be more general in nature – Pages 1-5;
2. Responses to Citizen's comments received at the Board of Supervisors Public Hearing – Pages 5-9
3. Response to Board of Supervisors Comments received at the BOS public hearing – Pages 9-14.

The Board of Supervisor is required after the after the public hearing to take action on the Certified Copy of the Comprehensive Plan. The types of action are as followings:

1. To adopt the certified copy of the Plan
2. To adopt the certified copy of the Plan as amended
3. To adopt certain portions of the Plan
4. Disapprove the Plan and return to the Planning Commission

Ron Willard, II, Developer, thanked the Board and the Planning Staff on the proposed draft 2025 Comp Plan. Mr. Willard stated increased lot size in A-1 areas should be carefully considered as

well as any reserved drainfield requirements. Mr. Willard carefully consider any recommendations of up to 100% drainfields for commercial use in RPD or other areas.

The Board requested staff to submit a listing of current County drainfield standards; and any differences between the County's ordinance and the Department of Health's guidelines.

David Hurt, Boone District, noted the proposed low residential density land use for the area west of Hardy and north of Gills Creek on the proposed future land use map should be considered as agricultural / forest land use .

**(RESOLUTION #12-05-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to adopt the Comprehensive Plan with the following amendment to the Future Land Use Map: North of Gills Creek; West of Booker T. Washington; West of Hardy Road including Eton Road and North of Eton Road to Hardy Road be changed from Low Density Residential land use to Agricultural/Forestry and Rural Residential land use".

MOTION BY: David Hurt  
 SECONDED BY: No Second  
 VOTING ON THE MOTION WAS AS FOLLOWS:

**SUBSTITUTE MOTION:**

To adopt the certified 2025 Comprehensive Plan as presented and advertised:

SUBSTITUTE MOTION: Charles Wagner  
 SUBSTITUTE SECOND: Leland Mitchell  
 AYES: Mitchell, Poindexter, Wagner, Quinn & Angell  
 NAYS: Hurt & Johnson

MOTION PASSES WITH A 5-2 VOTE.

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**PROPOSED AMENDMENT TO CHAPTER 4-55**

Richard E. Huff, II, County Administrator, shared with the Board a proposed amendment to County Code Section 4-55 as follows:

**Sec. 4-55. Where and when tax due and payable.**

(A) The owner of any dog shall be required to purchase a dog license as prescribed in Sec. 4-54 **on or before January 1 and not later than January 31 of each year.**

(B) The license tax on dogs as prescribed in Sec. 4-54, shall be due and payable, at the office of the county treasurer, or designated agent, not later than 30 days if a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county.

**(C) Dog licenses shall be valid from one year from the date that the tax is paid. However, the owner of any dog may purchase a three year dog license that shall be valid for three years from the date the tax is paid. The cost of a three year license shall be equal to the cost of a yearly license multiplied by three. The owner shall provide proof of a valid rabies vaccination certificate for any dog licenses purchased. Any kennel license tax prescribed pursuant to Sec 4-54 (a) shall be due on January 1 and not later than January 31 of each year.**

(Ord. of 10-21-97; Ord. of 4-15-03, § I; Amend. of 10-18-05)

**State law references:** Similar provisions, Code of Virginia, § 3.1-796.88.

*Amendment: Eliminates the option of the dog license running concurrent with the rabies certification which would cause the Treasurer's Office to have to track expiration dates for each license separately as opposed to having them uniformly expire on a calendar year basis.*

No action was taken.

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**REVENUE SHARING PROGRAM**

Chris Whitlow, Assistant County Administrator, shared with the Board a memo received from VDOT regarding Revenue Sharing Funding as follows:

As you are aware the new transportation bill allocated \$50 Million to the Revenue Sharing Program for next Fiscal Year. With this the department has decided to combine the applications from last year and this year into one program. The deadline for County's to apply for the Revenue Sharing Program is May 25, 2007. Below is the pertinent information:

On Friday, May 25, 2007 the County will need to submit electronically the associated forms.

On June 20, 2007 the County must submit resolution requesting to participate in the Revenue Sharing Program.

The application should include any project in which the County is considering for the program, and the amount of funds requested for the program.

I have attached the following:

- ◆ Spreadsheet of potential projects (we have not researched to determine that all roads on this list meet requirements for program).
- ◆ Letter from Mr. Ekern concerning FY07 - FY08 Revenue Sharing Program
- ◆ Revenue Sharing Program application process
  - Draft Letter of Intent to Participate
  - Sample Resolution
  - Project Detail – Designation of Funds Form
  - Summary – Designation of Funds Form

CANDIDATES FOR REVENUE SHARING/RURAL ADDITION		
STREETS	ESTIMATES	
Backwoods Lane		
Bethal Lane	183,700.00	
Betty's Creek & Mariner's Cove	188,117.45	
Big Oak Lane		
Birchwood		
Bluespruce Drive		
Bridle Lane/Carriage Lane	39,225.00	
Brooks Lane	190,311.12	
Buck Run	42,910.00	
Butterfly Lane	47,040.00	1999
Cardinal Ridge	72,500.00	1999
Cascade Lane		
Chestnut Forest Circle (Chestnut Forest Sub.)	50,975.00	
Chestnut Forest Dr. (Chestnut Forest Sub.)	136,950.00	
Clay Bank		
Clearwater Drive	177,150.00	
Craft's Lane	168,584.68	
Crawford Lane	43,346.34	
Creek View Dr.	94,417.00	
Crossbow Lane	115,611.10	
Deerfield Rd.	71,390.00	
Dilly Valley Lane		
Eagle Lane	371,653.04	
Executive Drive		
Finch Lane		
Fox Glove Lane	113,466.98	
Hampton Drive		
Hatchett Creek Lane		
Hatchett Ridge Road		
Hiawatha Drive		
Heatherwood .		
Hidden Country Road		
Jenny Lind		
Kingston		
Lindsey Lane		
Lynville on the Lake Subdivision		
Maggodee Lane		
Major Holland Ext.	37,000.00	1998
Mark's Path		
Melody Lake Subdivision		
Old Barn Road		
Pasley Lane	133,428.83	
Phil Muse Estate		
Prospect Lane		
Red Finn Lane	16,630.00	2005
Riverbend Drive		
Ridgeway Rd. (Chestnut Forest Sub.)	331,270.00	
Shad Run Drive		2004

Snow Creek Landing	178,844.00	
Sunset Ridge Drive Subdivision	26,000.00	2001
Water's Edge Subdivision.	Some streets have been taken in.	
Westward Way		
Windy Gap Farms		
Woodland Cove Drive.	85,248.48	

The Board will get any additional candidates to staff for submittal to VDOT for the Revenue Sharing projects.

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**SECONDARY SIX YEAR PLAN FY 2008-20013 REVISED ALLOCATIONS**

Chris Whitlow, Assistant County Administrator, shared with the Board a revised secondary six year plan allocations to reflect the new transportation bill submitted by VDOT for the Board's review. Below are the revised allocations for Franklin County:

FY 08	FY 09	FY 10	FY 11	FY 12	FY 13	Total
New Allocation						
2,408,517	2,796,062	2,609,896	2,680,027	2,647,996	2,436,879	15,579,374
Previous Allocation						
2,018,451	1,663,743	1,362,806	1,421,709	1,373,323	1,373,323	9,213,355

This is an increase in funding of 69% for the County's Secondary Six Year Plan.

The funding is roughly 60% State and 40% Federal funds, but varies depending on the year.

There will be opportunity, and funding, to add projects during the next Secondary Six Year Plan process.

The increase in funding, along with greater percentage of state funds (less emphasis on federalizing entire program), will allow for more flexibility in project selection.

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**CLOSED MEETING  
(RESOLUTION #15-05-2007)**

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711, a-3, Acquisition or Disposition of Land & a-7, Consult with Legal Counsel, of the Code of Virginia, as amended.

MOTION BY: Charles Wagner  
SECONDED BY: Hubert Quinn  
VOTING ON THE MOTION WAS AS FOLLOWS:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn & Angell

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MOTION: Russ Johnson **RESOLUTION: #16-05-2007**  
SECOND: Charles Wagner MEETING DATE May 22<sup>nd</sup>, 2007  
WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and  
WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;  
NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.  
VOTE:  
AYES: Mitchell, Hurt, Poindexter, Wagner, Johnson, Quinn, & Angell  
NAYS: NONE  
ABSENT DURING VOTE: NONE  
ABSENT DURING MEETING: NONE

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Chairman Angell adjourned the meeting.

W. WAYNE ANGELL  
CHAIRMAN

RICHARD E. HUFF, II  
COUNTY ADMINISTRATOR